



36 (7) SHARED MICRO-MOBILITY DEVICE means a skateboard, scooter or  
37 other compact device designed for personal mobility as part of a shared  
38 mobility service.  
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40 (8) SHARED MICRO-MOBILITY SERVICE means a publicly offered  
41 transportation service that enables a person to obtain short-term access to  
42 a shared micro-mobility device on an as-needed basis.  
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44 **§13-8-2 SHARED BICYCLE SERVICE DESCRIBED.**

45  
46 Shared bicycle service consists of the provision of bicycles or electric  
47 bicycles for transportation purposes, using the public right-of-way to sell, offer for  
48 sale, rent, lease, exchange, or take orders for transportation-related merchandise,  
49 goods, or services.  
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51 **§ 13-8-3 SHARED MICRO-MOBILITY SERVICE DESCRIBED.**

52  
53 Shared micro-mobility service consists of the provision of micro-mobility  
54 devices for transportation purposes, using the public right-of-way to sell, offer for  
55 sale, rent, lease, exchange, or take orders for transportation-related merchandise,  
56 goods, or services.  
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58 **ARTICLE 2. SHARED BICYCLE SERVICE AND SHARED MICRO-**  
59 **MOBILITY SERVICE FRANCHISES**

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61 **§13-8-4 FRANCHISE REQUIRED.**

62 A person may not provide or operate a shared bicycle service or shared  
63 micro-mobility service or represent the person's business to the public as a shared  
64 bicycle service or shared micro-mobility service unless that person obtains a  
65 franchise to operate a shared bicycle service or shared micro-mobility service  
66 under this chapter.

67 **§13-8-5 CITY COUNCIL APPROVAL REQUIRED; GENERAL**  
68 **STANDARDS; FRANCHISE PERMIT TRANSFER.**

69 (A) A shared bicycle service franchise or a shared micro-mobility service  
70 franchise may be granted, renewed, extended, amended, or transferred only with  
71 council approval. The following conditions apply to shared bicycle service and  
72 shared micro-mobility service franchises:

- 73 (1) the applicant must be able to operate the shared bicycle service or micro-  
74 mobility service in accordance with the requirements of this chapter, rules  
75 of the department, orders issued under this chapter, provisions of the  
76 shared bicycle service or shared micro-mobility service franchise, and  
77 other applicable law;
- 78 (2) the applicant must demonstrate the public necessity and convenience for  
79 the shared bicycle service or micro-mobility service franchise; and
- 80 (3) the applicant must agree to provide shared bicycle service or shared  
81 micro-mobility service throughout the City.

82 (B) A shared bicycle service franchise or shared micro-mobility service  
83 franchise may be transferred from one shared bicycle service or micro-mobility  
84 service franchise holder to another only with council approval.

85 **§13-8-6 FRANCHISE ADMINISTRATION.**

86 Any franchise granted pursuant to this Chapter shall be administered by the  
87 director.

88 **§13-8-7 FRANCHISE APPLICATION REQUIRED.**

89 (A) A person must submit a written application to the council to grant, renew,  
90 extend, amend, or transfer a shared bicycle service franchise or shared micro-  
91 mobility service franchise or to transfer a franchise permit. The applicant must file  
92 an original and three copies of the application with the city clerk.

93 (B) The application must contain the following:

- 94 (1) The applicant's full name, date of birth, telephone number, permanent  
95 residence address, and mailing address, and the principal place of business  
96 of the proposed shared bicycle service business or shared micro-mobility  
97 service business.
- 98 (a) An applicant that is a partnership must include in the application  
99 the full name, date of birth, telephone number, permanent  
100 residence address, and mailing address of each partner, and any  
101 person who participates in the business decisions of the  
102 partnership or who has the authority to enter contracts on behalf  
103 of the partnership.
- 104 (b) An applicant that is a corporation must include in the application  
105 the applicant's full name, including any assumed name, location  
106 of its principal place of business, and the date of birth, telephone  
107 number, permanent address, and mailing address of each officer,  
108 director, majority stockholder, and any person who participates in

- 109 the business decisions of the corporation or who has the authority  
110 to enter contracts on behalf of the corporation.
- 111 (c) An applicant that is a corporation, partnership, or other business  
112 entity must provide certified copies of any documents required by  
113 state law to be filed for the business entity to legally exist, and a  
114 statement from the Texas Secretary of State certifying that the  
115 business is in good standing if state law requires the entity to file  
116 documents with the Texas Secretary of State.
- 117 (2) An applicant that operates a business under an assumed name must  
118 provide a copy of the certificate of assumed name.
- 119 (3) The trade name of the proposed shared bicycle service or shared micro-  
120 mobility service in the City.
- 121 (4) The number of bicycles or micro-mobility devices the applicant proposes  
122 to use in the shared bicycle service or micro-mobility service and a  
123 description of where the devices will be deployed, with the understanding  
124 that this number might be subject to change.
- 125 (5) The individual who signs the application must indicate the capacity in  
126 which the applicant signs the application and the individual's position with  
127 the business.
- 128 (6) If applicable, a description of the proposed insignia and color scheme for  
129 the applicant's shared bicycle service or shared micro-mobility service.
- 130 (7) Evidence demonstrating the public necessity and convenience for the  
131 proposed shared bicycle service or shared micro-mobility service  
132 franchise.
- 133 (8) Additional information required on the application form prescribed by the  
134 department.
- 135 (C) The applicant must attach the following to the application:
- 136 (1) A current financial statement from the applicant, prepared by an  
137 independent certified public accountant licensed by this state and certifying  
138 that the financial statement truly and accurately reflects the financial status  
139 of the applicant and the assets and liabilities of the proposed shared bicycle  
140 service or proposed shared micro-mobility service business. The financial  
141 statement must contain a list of the assets to be used in the applicant's  
142 proposed shared bicycle service or shared micro-mobility service business.  
143 An applicant that does not own 100 percent of the assets to be used must  
144 include the names of the other owners of the assets and the other owners of

145 ownership interest in the assets. An applicant that is a partnership must  
146 also provide a financial statement for each partner.

- 147 (2) Certification from an insurance company that it will provide the liability  
148 insurance required by this chapter to the franchise holder.
- 149 (3) For each person described in Subsection (B)(1), a description of all  
150 criminal convictions, and a criminal history certified by the Texas  
151 Department of Public Safety that is dated no more than 90 days before the  
152 application date. For a person described in Subsection (B)(1) who has  
153 been a resident of Texas for less than one year preceding the date the  
154 application is submitted, the criminal history must be certified by the  
155 corresponding governmental authority in the former state of residence no  
156 more than 90 days before the application date.
- 157 (4) An affidavit that there are no outstanding judgments that arise out of  
158 circumstances related to shared bicycle services or shared micro-mobility  
159 services against the applicant or a person described in Subsection (B)(1).
- 160 (5) Information related to any pending claims or lawsuits against the applicant  
161 or person described in Subsection (B)(1) in their personal or business  
162 capacity related to shared bicycle services or micro-mobility services.

163 (D) The city manager may require additional information in the application  
164 process.

165 (E) On receiving a shared bicycle service or shared micro-mobility service  
166 franchise application, the city clerk shall retain the original in the city clerk's files  
167 and forward three copies to the city manager.

168 **§13-8-8 RECOMMENDATION ON FRANCHISE APPLICATION.**

169 (A) The city manager shall recommend to the council that the council grant or  
170 deny the shared bicycle service or shared micro-mobility service franchise  
171 application. In evaluating a shared bicycle service or micro-mobility service  
172 franchise application, the city manager may consider the following:

- 173 (1) the service proposed;
- 174 (2) the number, kinds, and types of equipment to be used by the applicant;
- 175 (3) whether the applicant has demonstrated the public necessity and  
176 convenience for the shared bicycle service or shared micro-mobility  
177 service franchise;
- 178 (4) the effect of the proposed shared bicycle service or shared micro-mobility  
179 service on existing shared bicycles services or shared micro-mobility  
180 service services;

- 181 (5) the applicant's financial ability to provide the proposed service;
- 182 (6) the shared bicycle service or shared micro-mobility service experience of
- 183 an applicant and of any partner or person having an interest in the
- 184 business if a partnership, and all officers, directors, and majority stock
- 185 holders if a corporation;
- 186 (7) convictions, if any, of applicants, their officers, shareholders, or partners,
- 187 for misdemeanor or felony crimes that directly relate to the duties and
- 188 responsibilities of operating a shared bicycle service or shared micro-
- 189 mobility service business;
- 190 (8) whether a previous permit or shared bicycle or micro-mobility service
- 191 franchise has been revoked; and
- 192 (9) whether applicant has been subject to enforcement actions by a
- 193 government entity for activities related to shared bicycle services or
- 194 shared micro-mobility device services.

195 (B) The city manager may not recommend that the council grant a franchise

196 application unless the requirements of this chapter have been met.

197 (C) If the city manager recommends denial of a shared bicycle service or shared

198 micro-mobility service franchise application, the city manager shall include the

199 reason for that recommendation. A copy of the recommendation shall be provided

200 to the applicant.

201 **§13-8-9 FRANCHISE ORDINANCES.**

202 (A) If the city manager finds the shared bicycle service or shared micro-mobility

203 service franchise applicant meets the requirements of this chapter, the city manager

204 shall direct the city attorney to prepare the shared bicycle service or micro-mobility

205 service franchise ordinance for the council's consideration.

206 (B) In addition to the requirements for a franchise under Article XI (*Franchises*

207 *and Public Utilities*) of the City Charter, a shared bicycle service or shared micro-

208 mobility service franchise ordinance submitted to the council must include the

209 following provisions:

- 210 (1) the period for which the shared bicycle service or shared micro-mobility
- 211 service franchise is granted, and that the shared bicycle service or shared
- 212 micro-mobility service franchise remains in effect for that period unless,
- 213 on review, the council finds that the shared bicycle service or shared
- 214 micro-mobility service franchise is subject to forfeiture or cancellation for
- 215 good cause;

- 216 (2) a requirement that the franchise holder comply with the provisions of this  
217 chapter and all amendments to this chapter enacted during the period of  
218 the shared bicycle service or shared micro-mobility service franchise;
- 219 (3) a requirement that the shared bicycle service or shared micro-mobility  
220 service franchise holder provide identifying information on riders or users  
221 involved in crashes or damaged property incidents to law enforcement or  
222 other City personnel to assist in the conduct of an investigation of such  
223 incidents; and notice that failure to provide this information shall  
224 constitute a substantial breach of City Code and the franchise ordinance  
225 subjecting the ordinance to forfeiture;
- 226 (4) a requirement that the shared bicycle service or shared micro-mobility  
227 service franchise is subject to forfeiture on the franchise holder's  
228 violations of the provisions of this chapter or on a showing that the shared  
229 bicycle service or shared micro-mobility service franchise holder has  
230 substantially breached the terms of the franchise;
- 231 (5) a requirement that the franchise holder own, lease, or contract for control  
232 of each shared bicycle or micro-mobility device used in the shared bicycle  
233 service or shared micro-mobility service franchise; and
- 234 (6) authorization for the department to inspect all records of a shared bicycle  
235 service or shared micro-mobility service franchise in accordance with this  
236 chapter; and
- 237 (7) other provisions the city manager deems in the best interest of public  
238 health and safety.

239 **§13-8-10 INSURANCE REQUIRED.**

240 Before any franchise granted under this chapter becomes effective, a  
241 franchise applicant must:

- 242 (A) Obtain a public liability policy issued by an insurance company licensed to  
243 operate in the State of Texas and by an agent licensed by the State of Texas. The  
244 policy must include the following: bodily injury and property damage coverage;  
245 and owned, non-owned and hired vehicle coverage. The insurance policy must be  
246 in a form satisfactory to the City, and it must meet the requirements of this section.  
247 The insurance coverage must be maintained throughout the term of the franchise.  
248 The applicant must furnish a certificate of insurance for the policy to the City of  
249 Austin Mobility Services Division.
- 250 (B) The policy required by Subsection (A) must, at a minimum, provide  
251 coverage for:

- 252 (1) bodily injury of \$100,000 per person and \$300,000 per accident;  
253 (2) property damage of \$25,000 per accident; and  
254 (3) personal injury protection of \$2,500 for each rider.

255 (C) A business automobile liability insurance policy that provides coverage for  
256 scheduled vehicles or devices but does not provide the liability coverage prescribed  
257 by Subsection (A) does not comply with this section.

258 (D) The City must be included as an additional insured on each policy. The  
259 franchise holder is responsible for paying all applicable deductibles.

260 (E) Each policy must contain a "Cancellation Provision or Coverage Change"  
261 endorsement that provides 30 days' notice to the City before the policy is canceled  
262 or materially changed to reduce or restrict the coverage. The notice must be mailed  
263 to the City of Austin Mobility Services Division.

264 (F) Before authority to operate a shared bicycle service or shared micro-mobility  
265 service in the City becomes effective, an applicant must obtain a public liability  
266 policy issued by an insurance company licensed to operate in the State of Texas  
267 and by an agent licensed by the State of Texas. The policy must include the  
268 following: commercial general liability insurance for a minimum limit of five  
269 hundred thousand dollars (\$500,000) combined single limit per occurrence, and  
270 \$2,500 medical expense. The policy shall provide coverage for any and all riders of  
271 a shared bicycle service or a shared micro-mobility service. The policy shall  
272 provide coverage for all passengers using shared bicycles or shared micro-mobility  
273 devices.

274  
275 **§13-8-11 RECORDKEEPING REQUIREMENTS.**  
276

277 (A) A franchise holder shall maintain records of its business, operations,  
278 receipts, and other documents required by this chapter, the shared bicycle service  
279 or shared micro-mobility service franchise agreement, and the department.  
280

281 (B) A franchise holder shall maintain a record required by this section and  
282 provide the department with any information contained within the record upon  
283 request.  
284

285 (C) Except as provided in this section, a franchise holder shall keep the records  
286 for the term of the franchise. The records used to compile the reports required shall  
287 be maintained for 12 months after the date of creation of the records.  
288

289 (D) The franchise holder shall make all records available to the department for  
290 examination and inspection without notice.

291  
292 **§13-8-12 REPORTS REQUIRED.**

293  
294 (A) A franchise holder shall submit to the department any data, statistics, or  
295 report required by the director's rules. The data or report shall be made on a form  
296 or format prescribed by the department and submitted not later than the 15<sup>th</sup> day of  
297 the month following the month for which the data or reports are collected.

298  
299 (B) The department may require additional information at intervals specified by  
300 the department, to include reports describing vehicle or device locations as  
301 determined by the vehicle or device's Global Positioning System or similar  
302 navigational method.

303  
304 (C) A franchise holder shall submit to the department a report on any accident,  
305 crash or collision involving the operation of a shared bicycle or shared micro-  
306 mobility device that results in death or injury to a person or damage to a vehicle or  
307 other property exceeding \$500. The franchise holder shall submit the report in a  
308 format prescribed by the department not later than the 15<sup>th</sup> day of the month  
309 following the day of the accident.

310  
311 **§13-8-13 FRANCHISE FEE.**

312  
313 (A) A franchise holder shall pay an annual franchise fee for each shared bicycle  
314 or shared micro-mobility device, as established by separate ordinance, prior to  
315 placing a shared bicycle or shared micro-mobility device into service.

316 (B) The franchise holder may pay the franchise fee in quarterly installments in  
317 accordance with the City's fiscal year. If the franchise holder makes quarterly  
318 payments, the first payment is due immediately on approval of the franchise  
319 permit. Subsequent payments are due no later than the fifth business day before  
320 the beginning of the quarter for which the payment is due.

321 (C) The franchise holder shall pay a penalty, equal to the daily prorated  
322 franchise fee, for every day that the franchise fee is unpaid.

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324 (D) The operator shall reflect the conveyance of a franchise fee as a separate line  
325 item on the invoice or receipt from the operator to the customer.

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327 **§13-8-14 MULTIPLE FRANCHISES PROHIBITED.**

328  
329 (A) Except as provided by this section, a person may not have a pecuniary  
330 interest or security interest in the stock or other assets of a shared bicycle service or  
331 shared micro-mobility service franchise that confers on the franchise holder a  
332 controlling or voting interest in more than one shared bicycle service or shared  
333 micro-mobility service franchise.

334  
335 (B) A person who has a pecuniary interest in one shared bicycle service or  
336 shared micro-mobility service franchise and obtains a pecuniary interest in a  
337 second shared bicycle or shared micro-mobility franchise as a result of the  
338 foreclosure of a security interest in the stock or other assets of that second shared  
339 micro-mobility franchise must comply with Subsection (A) not later than six  
340 months after the date the person obtained a pecuniary interest in the second shared  
341 micro-mobility service franchise.

342  
343 **§13-8-15 SERVICE AREA AND SIZE OF FLEET.**

344  
345 (A) The director shall determine the areas of service and size of fleet to be  
346 deployed, in accordance with the director's rules.

347 (B) A franchise holder may place into service only the number of bicycles or  
348 micro-mobility devices authorized by the director, for which the franchise holder  
349 has paid all charges required by the Code.

350 **§13-8-16 USE OF RIGHT-OF-WAY AUTHORIZED.**

351  
352 (A) The director may, in the interest of good public order and mobility, authorize  
353 shared bicycle service or shared micro-mobility service franchise holders to install  
354 shared bicycle or shared micro-mobility device docking stations, components or  
355 infrastructure within the public right-of-way.

356 (B) Shared bicycle or shared micro-mobility device docking stations,  
357 components or infrastructure authorized by the director do not require a separate  
358 authorization, agreement, permit or license as required by Chapter 14-11 – Use of  
359 Right-of-Way.

360 (C) Shared bicycle or shared micro-mobility device docking stations,  
361 components or infrastructure installed are considered lesser to right-of-way uses  
362 authorized by Chapter 14-11.

